

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. C-07-04762 PJH (JCS)

Plaintiff(s),

v.

**NOTICE OF REFERENCE;
ORDER THEREON**

CHARLES CATHCART, ET AL.,

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Joseph C. Spero for a report and recommendation regarding Plaintiff's "Application for Default Judgment Against Derivium Capital USA, Inc." (the "Motion").

The Court is in receipt of Plaintiff's moving papers, and has, in a separate order, requested supplemental briefing. After reviewing the supplemental papers in this matter, the Court will notify the parties of the hearing date.

LAW AND MOTION HEARING PROCEDURES

Civil law and motion is heard on Friday mornings, at 9:30 a.m., in Courtroom A, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California 94102.

All documents shall be filed with the Clerk's Office in compliance with Civil L. R. 7-2 through 7-5. Documents not filed in compliance with those rules will not be considered by the Court. Any party seeking an award of attorney's fees or other expenses in connection with this motion shall file a motion in accordance with Civil L. R. 37-3.

1 Motions to compel may be noticed without reserving a hearing date, subject to the Court's
2 availability.

3 Discovery motions may be addressed to the Court in three ways.

4 1. A motion may be noticed on not less than 35 days notice pursuant to Civil L. R. 7-2.

5 2. Alternatively, any party may seek an order shortening time under Civil L. R. 6-3 if
6 the circumstances justify that relief.

7 3. In emergencies during discovery events, the Court is available pursuant to Civil L. R.
8 37-1(b).

9 In the event a discovery dispute arises, lead trial counsel for the party seeking discovery shall
10 in good faith confer **in person** with lead trial counsel for the party failing to make the discovery in
11 an effort to resolve the dispute without court action, as required by Fed. R. Civ. P. 37 and Civil L. R.
12 37-1(a). The meeting must be **in person**, except where good cause is shown why a telephone
13 meeting is adequate. A joint letter setting forth these meet-and-confer efforts, each unresolved issue,
14 and the final positions of each party shall be included in the moving papers.

15 The Court will not consider discovery motions unless the moving party has complied with
16 Fed. R. Civ. P. 37 and Civil L. R. 37-1(a).

17 A party or counsel has a continuing duty to supplement the initial disclosure when required
18 under Federal R. Civ. P. 26(e)(1).

19 Law and motion matters may be submitted without argument upon stipulation of the parties
20 and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil
21 L. R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of
22 the date for service of the opposition. Thereafter, leave of the Court must be sought.

23 24 **ELECTRONIC FILING AND COURTESY COPIES**

25 Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of
26 California for information relating to electronic filing procedures and requirements. All documents
27 shall be filed in compliance with the Civil Local Rules. Documents not filed in compliance with
28 those rules will not be considered by the Court.

1 BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC
2 FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE
3 **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS'
4 COPY." All filings of documents relating to motions referred to the undersigned shall list the civil
5 case number and the district court judge's initials followed by the designation "(JCS)".

6 The failure of counsel or a party to abide by this Order may result in sanctions pursuant to
7 Fed. R. Civ. P. 16(f).

8 IT IS SO ORDERED.

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10 Dated: January 14, 2008


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12 JOSEPH C. SPERO
13 United States Magistrate Judge
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